

REMARKS:

The Office action mailed November 15, 2006 has been received and carefully considered. Reconsideration of the application as amended hereby is respectfully requested.

The specification was objected to with respect to the "Cross Reference" section. Amendment has been made to include the later information.

Various objections and rejections were made because of informalities and indefiniteness in the claims. Amendments have been made herein which are believed to resolve these issues.

Independent Claims 1 and 14 were rejected as being anticipated by Dent. Claims 1 and 9 have been amended to better distinguish over Dent. In particular, Claim 1 calls for a closure plug for a medical implant having spaced arms which receive a closure plug body that is threadedly received between and into the arms. In Dent, which is directed to a non implant device, the screw does not screw into the spaced arms or walls, but rather screws into a block 36 that fully surrounds the screw.

Claim 1 also calls for a break-off head that is free of axial pass through openings. While Fig. 14 of Dent shows a device with removal apertures and a break-off head, the apertures are axially accessible through bores in the break-off head. In particular, removal bores or apertures are found in the embodiments shown in Figs. 9 and 10 as well as 14 and 15. In each


case there are corresponding bores 20 in the break off head that axially align with the bores in the base of the screw, so as to allow access to the lower bores through the bores in the break off head. The pass through bores of Dent defeat the safety aspect of applicant's invention wherein the removal aperture is blocked until the break off head is removed, so that the removal apertures cannot be used to drive the plug and, in this way, over torque the closure plug. In applicant's device the blocking of the removal bores is a safety precaution, because over torquing of the removal bores can cause the arms to splay and the entire bone screw to fail.

It is noted the Dent does not suggest protecting the removal bores from over torquing because the screw in Dent is received in a surrounding block 36 (see Fig. 17) that does not have spaced sides that can splay. The aligned bores 20 in Dent's break off head allow access to the removal bores by the insertion tool and the potential of over torquing that is not protected by the torque limiting break off head.

Consequently, it is urged that Claims 1 and 14, as well as the claims that depend from them are neither anticipated by Dent, nor obvious in view of Dent taken in combination with any of the other art of record.

The Examiner is invited to contact the undersigned by telephone, if prosecution of this application can be expedited thereby.

Respectfully Submitted,



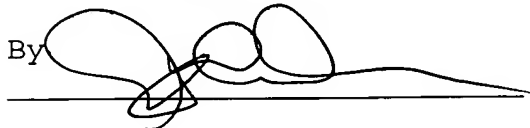
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March 15, 2007.

Roger P. Jackson
(Applicant)

By



March 15, 2007

(Date of Signature)